

Enforcement Undertaking accepted from Essex farm

An Essex farm has donated £25,000 to a wildlife charity after abstracting water during a period of dry weather. Strutt and Parker (Farms) Limited, of Whitbread Farm Lane, Chatham Green, Chelmsford, abstracted water outside the terms of its licence in May 2019, just days before the area moved into drought status.

The suspected offence under the Water Resources Act 1991, Section 24(1) & 24(4), came to light following an unannounced inspection of the abstraction point in Landermere Road, Beaumont cum Moze, in Clacton on Sea, by Environment Agency officers.

Strutt and Parker (Farms) Limited holds a water abstraction licence, which allows water to be abstracted from Beaumont Brook, downstream of Hamford Water, between 1 November and 31 March. Due to the dry weather in 2019, the farm manager applied for an extension to the licence until 30 April 2019, which the Environment Agency granted.

However, during an Environment Agency inspection on 10 May 2019, it was found that water was still being abstracted. A notice was attached to the pump to notify the operator that the Environment Agency was investigating. Following this, the farm manager emailed the Environment Agency to seek a further 'extension' of the licenced abstraction period, in an attempt to legitimise the abstraction that had taken place.

The investigation found that 420 cubic metres of water had been abstracted outside the terms of the licence, but no environmental harm was caused in this instance.

The company accepted there was a breach of licence but stated that the farm manager had acted 'unacceptably against clear company policy and procedure' and had been sanctioned for this.

Strutt and Parker (Farms) Ltd offered an enforcement undertaking, which the Environment Agency accepted due to the company's full co-operation with the case, the lack of environmental harm and the measures taken to prevent a reoccurrence of the incident.

Environment Agency officer, Gavin Senior, said:

Enforcement undertakings are voluntary offers made by companies and individuals to make amends for breaching environmental regulations.

When appropriate, they allow a better resolution for the environment than a prosecution as they require action to put things right in a way that directly benefits the environment and local communities.

The amount offered to Essex Wildlife Trust as part of an enforcement undertaking offer is said to be 1 of the largest ever donations in a water resources case.

The money will go towards 3 projects: wetland restorations at Fobbing Marsh and Blue House Farm, and a nature nursery at Abbots Hall Farm.

Other actions that have been since completed by the company as part of the enforcement undertaking offer include:

- Invested in new farm management software and personnel as part of an overhaul of their management system
- Implemented a weekly reporting requirement from farm managers to senior managers;
- Produced a 'Farm Manual' which sets out the use of the newly adopted farm management software and reporting requirements
- Cross-compliance training day to take place
- Bi-monthly meetings to incorporate additional compliance training.
- The East Anglia area moved to drought status in May 2019. This drought resulted from 3 years of exceptionally dry weather across the south east. It was declared as an environmental drought.
- Our regulatory role involves issuing and regulating abstraction licences and drought permits, imposing abstraction restrictions and scrutinising water company drought plans to ensure they are robust and fit for purpose.
- An Enforcement Undertaking is a type of civil sanction. It is a voluntary offer by an offender to put right the effects of their offending. It is not an admission of guilt. The Environment Agency may accept an Enforcement Undertaking where it has reasonable grounds to suspect that the person offering the Undertaking has committed an offence. Enforcement Undertakings are accepted in suitable cases. The Environment Agency continues to prosecute organisations and individuals for environmental offences where evidence shows high levels of culpability and serious environmental harm.